

subject matter developed by another person, which qualifies as a prior art only under one or more of subsections (e), (f), and (g). While §102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Both the instant application and Lager et al. were, at the time the invention was made, owned by Telefonaktiebolaget L M Ericsson (publ) or were subject to an obligation of assignment to Telefonaktiebolaget L M Ericsson (publ). As such, the U.S. Lager patent is not a prior art reference.

In addition, even if the Examiner were to apply the corresponding PCT published application (WO99/17497) to Lager, the combination of Lager and Modarressi fails to disclose or suggest the features recited in the claims. Lager is concerned with giving a mobile station, at service activation, the possibility to flexibly indicate which of plural subscriber Internet service providers the mobile subscriber would like to use for a particular session. See column 8, lines 52-55. Lager solves this problem using a network indication parameter (NIP). A mobile subscriber uses a network indication parameter to communicate during PDP context activation to a SGSN and a GGSN which one of plural subscriber networks the mobile station would like to use for the session currently being requested. A mobile station includes a network indication parameter memory for storing a plurality of network indication parameters for each subscribed network. The selection means SEL in the mobile station selects a network indication parameter from that memory and provides it to the SGSN. See column 12, lines 31-48 and column 13, lines 26-column 14, line 5.

It is unclear which particular claim feature is being read on the network indication parameter in Lager. Presumably, the Examiner is reading the access point name (APN) onto the

network indication parameter (NIP). The Examiner fails to point out where Lager discloses the step of assigning to the selected NIP external network a gateway address, as recited in the independent claims. Lager simply discloses that the “an appropriate GGSN to which the desired packet data communication network is connected” is selected. See column 13, lines 65-66. This is a first missing feature.

Second, the Examiner also admits that Lager fails to “teach an inventive concept of using the GGSN for combining the APN gateway address and the subscriber IP address to form a unique subscriber identifier.” Third, the Examiner fails to point out where Lager discloses the subsequent step of “sending from the GGSN the identifier to the RADIUS server.” And referring to dependent claims 16-18, there is no teaching in Lager of using the unique subscriber identifier associated with the mobile subscriber in a wireless mobile terminal of the mobile subscriber for accounting by the RADIUS server.

The Examiner refers to the abstract of Modarressi and column 9, lines 21-40. But Modarressi does not disclose all the features missing from Lager identified above. Modarressi describes an enhanced Asymmetric Digital Subscriber Loop (ADSL) architecture. The abstract describes establishing a continuous logical connection between a subscriber computer and a continuous server provider as well as establishing a temporary logical connection between the user computer and a temporary service provider. But this does not describe combining an APN gateway address and a subscriber IP address to form a unique subscriber identifier.

The text in column 9 refers to the user’s computer 102b, as shown in Figure 3a (which includes the communications portal 330 referred to in this text), combining the continuous service provider 302 gateway IP address information with a “subnetwork address of the service cluster 303 to create a static route in routing table 332.” Column 9, lines 25-28. The routing

table 332 is also located in the user computer, as shown in Figure 3a. The service cluster 303 is located in the continuous server provider 302 (See Fig. 3a).

Claim 1 recites that the GGSN is the entity that combines the APN gateway address and the subscriber IP address to form a unique subscriber identifier. This is completely different from what's described in column 9 by Modarressi where the user terminal that is doing the combining, (not a GGSN), and the things being combined correspond to address information for the continuous server provider 302 –not the user or user terminal. There is no teaching of combining any gateway address with a “subscriber IP address.”

Nor is anything that's combined by Modarressi “a unique subscriber identifier,” as recited in the claims. To the contrary, what results from the user terminal combination is a static route to be stored in its routing table 332 for routing packets to the continuous server provider 302. In other words, the combined identifier in Modarressi identifies the continuous server provider and not the subscriber or the user computer.

Thus, even if the Examiner's combination of Modarressi and Lager were accepted, for purposes of argument only, that combination fails to disclose many features recited in each of the independent claims. Nor is there any motivation to combine Modarressi with Lager for the reasons propounded by the Examiner because those reasons are simply not accurate. There is no teaching of accounting in either Modarressi or Lager. The Examiner creates that hindsight motivation after having read the instant application.

Regarding dependent claims 2, 7, and 12, Applicant has reviewed the text referred to by the Examiner and find no disclosure that “two APN external networks are provided with the same subscriber IP address, but different gateway addresses to yield different APN identifiers.” Similarly, with regard to claims 3, 8, and 13, Applicant respectfully requests that the Examiner

Leif Einar AUNE
Appl. No. 09/803,022
June 27, 2005

identify a specific line of text rather than an entire column that discloses the claimed feature where "each subscriber being provided with its own subscriber IP address and the same gateway address."

With respect to claims 4, 9, and 14, the Examiner has not shown where Lager discloses appending the APN external network gateway address to a subscriber IP address.

With respect to claims 5, 10, and 15, the Examiner fails to point out where the claimed unique subscriber identifier, which includes the combined APN gateway address and the subscriber IP address, is an ASCII string. Indeed, Applicant believes that Lager's network indication parameter is simply a binary string.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



John R. Lastova
Reg. No. 33,149

JRL:sd
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100